

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

CARROLL JOE PARR,	§	
Petitioner,	§	
	§	
v.	§	No. 6:06-CV-00317-WSS
	§	DEATH PENALTY CASE
RICK THALER, Director,	§	
Texas Department of Criminal Justice,	§	
Correctional Institutions Division,	§	
Respondent.	§	

**RESPONDENT THALER'S RESPONSE TO
PETITIONER PARR'S MOTION TO WITHDRAW
WITH BRIEF IN SUPPORT**

Petitioner Carroll Joe Parr has filed a motion for his current counsel to withdraw as attorney of record. Docket Entry 33. Parr has not stated whether he has obtained a new lawyer or if he desires to represent himself. *Id.* While the Director has no position on who provides Parr's representation, 18 U.S.C. § 3599(e) requires federal habeas counsel in a death penalty case to continue representing his client through all subsequent proceedings unless replaced by "similarly qualified counsel." *Id.* And while Parr is correct that his federal habeas appeal is no longer pending, under statute his attorney's representation extends through "all available post-conviction process, together with applications for stays of execution and other appropriate motions and procedures" and his counsel "shall also represent the defendant in such competency proceedings and proceedings for executive or other

clemency as may be available." *Id.* Parr currently has an execution date scheduled for May 7th. To the extent that Parr wishes to file a clemency proceeding or a motion for stay of execution, his current attorney is required to assist him unless provision is made his replacement.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I do hereby certify that on February 19, 2013, I electronically filed the foregoing pleading with the Clerk of the Court for the U.S. District Court, Western District of Texas, using the electronic case-filing system of the Court. The electronic case-filing system sent a "Notice of Electronic Filing" to the following attorney of record, who consented in writing to accept this Notice as service of this document by electronic means:

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